

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 19 2009 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MAYEAR KUPFERSTEIN,

Plaintiff,

-against-

AFNI, INC.

Defendant.  
-----X

BROOKLYN OFFICE  
COMPLAINT

**09 1136**

**SIFTON J**

**GO, M.J.**

Plaintiff, by and through his undersigned attorney, alleges upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

### PARTIES

4. Plaintiff Mayear Kupferstein (hereinafter "Kupferstein") is a resident of the State of New York, Kings County. On or about March 19, 2008, defendant sent an initial debt collection notice to the Plaintiff.

5. Defendant Afni, Inc. is an Illinois Corporation engaged in the business of purchasing and collecting defaulted debt. Defendant regularly attempts to collect debt. Its Registered Agent is the C T Corporation Company, Inc., 111 Eighth Avenue, New York, NY 10011.

### STATEMENT OF FACTS

6. On or about March 20, 2008, defendant did send to the plaintiff an initial collection letter. Copy of said letter and envelope are annexed hereto as Exhibit A.
7. The collection letter stated that Afni, Inc. acquired the Bell Atlantic account at issue and stated that the debt collector believed it was in the consumer's "best interest to resolve this account."
8. The consumer disputed the assertion that Afni, Inc. acquired the Bell Atlantic account at issue and demanded that both verification of the debt and the address of the original creditor be sent provided.
9. Defendant AFNI, Inc. responded to Plaintiff by stating that based on its investigation, this account has been closed. Exhibit B.

10. Defendant employs false and misleading representations by attempting to collect debt it claims to have purchased despite its inability to verify the debt or ascertain basic information, such as the address of the original creditor and by representing it has engaged in a meaningful investigation.
11. As a result of defendant's abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

FIRST CAUSE OF ACTION  
(Violations of the FDCPA)

12. Each of the above allegations is incorporated herein.
13. Defendant's debt collection attempts violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(10), 1692g, 1692g(a)(2), 1692g(a)(4) and 1692g(a)(5), by falsely and deceptively attempting to collect Bell Atlantic debt it cannot evidence, cannot prove it owns nor identify the address of the original creditor, upon dispute, while claiming it has investigated the matter.
14. As a result of defendant's violations of the FDCPA, plaintiff has been damaged and is entitled to statutory damages, costs and attorney's fees.

**WHEREFORE**, plaintiff respectfully requests that the Court enter judgment as follows:

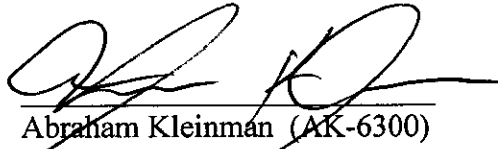
- a) Awarding plaintiff statutory damages;
- b) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and

- c) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: March 18, 2009  
Uniondale, New York



Abraham Kleinman (AK-6300)  
KLEINMAN LLC  
626 RXR Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692

**EXHIBIT A**

Department 555  
PO BOX 4115  
CONCORD, CA 94524

ADDRESS SERVICE REQUESTED

#BMAFTZ #AFNB228789008039#

MAYEAR KUPFERSTEIN  
1154 45TH ST  
BROOKLYN NY 11219-2026

4430481902

D/S: AUYH54

MAILED 947

Header  
0641550218  
02/04/2008  
US POSTAGE  
\$00.34

POST & BEST-CLASS MAIL

112 N7A 1 C07C 39 03/25/08A  
ACS

KUPFERSTEIN  
5708 18TH AVE # 4  
BROOKLYN NY 11204-1902

BC: 44304490206 #3509-07782-24-18

Afri, Inc.  
PO Box 3427  
Bloomington, IL 61702-3427  
(888)257-1585  
www.africollections.com

## COLLECTION NOTICE

This account has been acquired by our agency for collection. We believe it is in your best interest to resolve this account.

If you have any questions, please contact our office toll free at (888)257-1585 Monday through Friday 7am-9pm CST. For proper credit on your account, please write this number 021862972-02 on your payment.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of the debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt. Any information obtained will be used for the purpose. You have the right to inspect your credit. This letter is from a debt collector.

Please see reverse side of this notice for our Privacy Statement and credit card payment options.

To manage your account online, visit us at : [www.africollections.com](http://www.africollections.com)

New York City Department of Consumer Affairs License Number #1072175

This account is for a remaining balance from the original creditor for services associated with the previous telephone number listed below.

Please retain this information for your records.

021862972-02	\$69.80	Bell Atlantic	(718)972-4472	3/19/2008
--------------	---------	---------------	---------------	-----------

Detach along perforation and return bottom portion along with payment in the enclosed envelope. Credit card payment options are on the back of notice.



For proper credit, please include your Afri account # listed below on your check



AFNP9-0319052257-QW8P-2 2397

Department 555  
PO BOX 4118  
CONCORD CA 94524



Afri, Inc. Account #: 021862972-02  
Original Creditor: Bell Atlantic  
Disconnected Phone #: (718)972-4472  
Balance Due: \$69.80  
Date: 3/19/2008  
Toll Free: (888)257-1585

ADDRESS SERVICE REQUESTED

#BWNFTZF #AFN8228768008039#



MAYEAR KUPFERSTIEN  
1154 45TH ST  
BROOKLYN NY 11219-2028

S 02021862972 991500 6980

PO Box 3427  
Bloomington, IL 61702-3427



# PRIVACY STATEMENT

Your account was recently acquired by Afni, Inc. As required by federal law, Afni wants to inform you how we handle confidential information we obtain about you. The privacy policies and practices described in the notice will apply to current as well as former account holders.

## Information We Collect

Afni, Inc. may collect non-public personal information about you from:  
The original creditor;  
Consumer reporting agencies; and  
Third parties who we contact while attempting to locate you.



## Information We Disclose

We do not disclose any non-public personal information about you to anyone, except as permitted by law.

## Security

Afni, Inc. restricts access to non-public personal information about you to those employees who need to know that information to process this account. Afni, Inc. maintains physical, electronic and procedural safeguards that comply with federal regulations to guard your non-public personal information.

AFNI-0310422357-QWSP-2 2357

If you wish to pay by credit card: ☐ Visa®  ☐ MasterCard®   
Account Number \_\_\_\_\_ 3 Digit Code \_\_\_\_\_  
Expiration Date \_\_\_\_\_ Payment Amount \$ \_\_\_\_\_  
Name of Card Holder \_\_\_\_\_  
Signature of Card Holder \_\_\_\_\_

Different Credit Card Billing Address? ☐ Yes ☐ No If YES, please provide information below:  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Exhibit B

P.O. Box 20939  
Ferndale, MI 48220

1 P.01/01



404 Brock Drive  
P.O. Box 3427  
Bloomington, IL 61702-3427

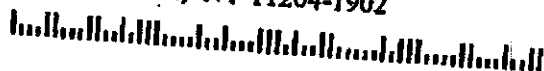
04/10/2008



MAYEAR KUPFERSTIEN

#1

5706 18TH AVE  
BROOKLYN, NY 11204-1902



Afni, Inc. Account #: 021862972-02

Original Creditor: VERIZON NEW YORK INC.  
Creditor Account #: 7189724472377  
Social Security #: XXX-XX-XXXX

This letter is to inform you that we have investigated your dispute related to the referenced account. Based on the investigation this account has been closed. Afni, Inc. will take no further collection action.

In addition, if this account has been subject to credit reporting, the credit reporting agencies will be directed to remove this account from your credit report. Please note, it may take up to 60 days for the account to be removed from your record at all of the credit reporting agencies. In the interim, you may use this letter as a notice regarding the status of the account.

We apologize for the inconvenience this situation may have caused.

If you have any questions, please contact our office toll free at 1-888-827-6002 Monday - Friday 7am - 9pm CST. This letter is from a debt collector.

Sincerely,

Afni, Inc.

New York City Department of Consumer Affairs license number #1072175